

WALPOLE PLANNING BOARD MINUTES OF FEBRUARY 21, 2013

The Walpole Planning Board held a regular meeting on Thursday, February 21, 2013 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: Richard Nottebart, Vice Chairman; John Murtagh, Clerk; John Conroy, Richard Mazzocca, and Margaret Walker, Town Engineer.

Minutes: Mr. Nottebart moved to accept the minutes of February 7, 2013. Motion seconded by Mr. Murtagh and voted 3-0-0.

Time Cards: Mr. Nottebart moved to approve the secretary's time cards. Motion seconded by Mr. Murtagh and voted 3-0-0.

Solar Overlay Application Fees: Dan Merrikin stated he is still working with the applicant and Jack Mee regarding the building permit fee. Mr. Mee is not sure at this point in time whether or not he will set a special fee for a building permit for solar farms. Mr. Merrikin stated there will only be perimeter fencing and rows of solar panels on site. Mr. Murtagh stated that we have received a list of fees charged by other towns. Mr. Nottebart asked Mr. Merrikin what he is looking for and he stated he would like a set fee. Mr. Conroy stated there could be a minimum amount such as \$500 plus an additional \$100 per acre less any buildings. Mr. Mazzocca feels we should wait for a full board before setting a fee. Mr. Nottebart put this on the board's March 7th agenda as a discussion item.

7:19 p.m. League School, 300 Boston Providence Highway, Case No. 12-13: Atty. Philip Macchi II stated he worked on the draft decision with Ms. Walker and the board's secretary. He also submitted a traffic study and stated Ms. Walker has been given the final plan. Ms. Walker stated the previous traffic study was based on 1995 data which is why she asked for a new one. She stated that everything she had asked for is addressed in the draft decision. Mr. Macchi asked the board to close and vote.

There were no questions or comments from the public or the board. Mr. Nottebart moved to close the hearing. Motion seconded by Mr. Murtagh and voted 4-0-0.

The board discussed the conditions of approval.

Mr. Nottebart moved to approve the League School application for Case No. 12-13 with the thirty-one standard conditions and five special conditions. Motion seconded by Mr. Murtagh and voted 4-0-0.

7:25 p.m. North Street, High Street, Baker Street Scenic Road Hearings: Mr. Mazzocca moved to waive reading the public hearing notice. Motion seconded by Mr. Murtagh and voted 3-1-0 (Mr. Conroy voted in the negative). Robert LeBlanc, Tree Warden, was present. He has checked the location and condition of these trees and feels they should be removed. He was made aware of eight of the ten locations from phone calls received from people in town.

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He stated that the trees are all marked indicating tonight's hearing. Mr. Nottebart stated he drove by the locations of the various trees and he agrees with Mr. LeBlanc's intention to remove them. Mr. Conroy asked if the tree at 930 North Street is behind a fence and Mr. LeBlanc stated no, it is right on the edge of the road. Mr. Murtagh feels that Mr. LeBlanc knows best when it comes to the removal of trees. If they need to come down, do it. Mr. LeBlanc stated that the tree at 266 Lincoln Road is directly in front of Shea's house. There were no comments from the public.

Mr. Nottebart moved to approve the cutting or removal of trees at or near: 930 North Street, Parcel 9-18; 869 North Street, Parcel 9-46; 614 High Street, Parcel 11-10; 266 Lincoln Road, Parcel 31-77; 52 North Street, Parcel 26-289; 671 High Street, Parcel 11-226; 435 High Street, Parcel 11-67; 233 Baker Street, Parcel 43-13 as recommended by the Tree Warden, Robert LeBlanc. Motion seconded by Mr. Murtagh and voted 4-0-0.

7:31 p.m. Tall Pines Subdivision Continued Hearing: Atty. Philip Macchi II asked to continue the hearing without testimony as there are only four board members present tonight and the applicant would like a five person board. He further stated that Mr. Merrikin, Merrikin Engineering, would not be available on March 7. Mr. Nottebart moved to continue the hearing to March 21 at 7:35 p.m. as requested by the applicant's attorney. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Macchi granted the board an extension of time up through and including April 30, 2013. Mr. Nottebart moved to accept an extension of time on which to take action up to and including April 30, 2013. Motion seconded by Mr. Murtagh and voted 4-0-0. Mr. Macchi submitted green cards as proof of notice to the abutters.

7:40 p.m. Street Acceptance Articles and Walmart Update: Atty. Philip Macchi II was present to update the board on the progress with the intersection of Route 27 and Walmart. He stated there are two easements, one permanent and one temporary. The closing to transfer the land between the town and state has to take place within 120 days of town meeting and they believe they will meet that time frame. There are three warrant articles for the spring town meeting; however, if MA DOT doesn't come through, they will pull the articles, but he does feel they are close to making this happen. Ms. Walker stated town counsel called her and wanted to know why there are three different plans and she stated they need an approved plan that is recordable. There were no questions from the public.

Mr. Nottebart moved to recommend Favorable Action on the layout of North Street Circle, Old Town Road, Starlight Drive, Walpole Park South, Gristmill Lane, Daylily Lane, Red Gate Road and the alteration of High Plain Street near the Walmart and Route 27 intersection. Motion seconded by Mr. Murtagh and voted 4-0-0.

High Oaks IV discussion: Ms. Walker stated that John Anderson, Anderson & Associates met with her regarding removing the restriction on Lot 115. He stated that Mr. Boynton informed him they need to do an ANR on Lot 115, but Ms. Walker

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disagreed. Mr. Conroy stated that we need to be told by town counsel exactly how this process needs to work.

Beatty, Corner of Washington and Chestnut Streets: Mr. Mazzocca stated the Planning Board has not been released from the bad faith portion of this appeal. All parties should be released and each paragraph should state what is being released. It presently doesn't include us as one of the parties being released. Mr. Conroy asked if the Selectmen voted on this. It looks like the town has been released, but not us. Mr. Nottebart asked if we should send a letter to Michael Boynton and Mr. Conroy stated we should wait until we are requested to endorse the plans. Mr. Mazzocca stated we voted to give Ilana Quirk the authority to negotiate, not to settle. Mr. Murtagh asked if we should have Atty. Quirk come in and Mr. Mazzocca stated no as this is a done deal, even though it is sloppy. He stated the case is over and is dismissed; however, there is a release that doesn't release us. It should be re-signed. Mr. Conroy stated this should go to the Board of Selectmen, not Michael Boynton. Someone has to tell us how to correct the wrong. We should send a letter to the Selectmen telling them we are not comfortable with this as the language doesn't specifically release us. Mr. Mazzocca stated we should have voted this before it was approved. Mr. Conroy stated he will write a draft letter and will send it to the board for review and comment. He asked if we are entitled to ask why they settled on \$5,000 when they had said nothing was going to happen. Mr. Mazzocca stated he doesn't know. It was agreed to wait for Mr. Conroy's letter to be submitted to the rest of the board.

Niden Woods: The board asked the secretary to hold the bond reduction that was voted at our last meeting for further discussion as requested by the Chairman of the Planning Board. The board told the secretary to hold the bond reduction letter voted on February 7, 2013 for further discussion. Mr. Nottebart put this on our March 7th agenda.

It was moved, seconded and voted to adjourn. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

John Murtagh, Clerk

Accepted 3/7/13